

Application No. 09/785,864
Amendment dated March 28, 2005
Reply to Office Action of December 28, 2004

PATENT

REMARKS/ARGUMENTS

Claims 1-11 were pending in this application. No claims have been amended, added, or cancelled. Hence, claims 1-11 remain pending. Reconsideration of the subject application is respectfully requested.

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,505,163 to Zhang et al. ("Zhang").

Claim Rejections Under 35 U.S.C. § 103(a)

The Applicants respectfully traverse the rejection of independent claim 1 because the office action has not established a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

(MPEP § 2143) Here, the office action has not met all three criteria. Specifically, the office action has not shown that the prior art teaches or suggests all the claim limitations, and the office action does not cite a reference that teaches or suggests a motivation to combine reference teachings.

With respect to claim 1, the office action correctly states that "Zhang does not teach during said step c) determining whether the call forward should be permitted and e) inhibiting or permitting the call-forward based upon determination in said step d)." The office action goes on to say that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to have zhang's [sic] feature of determining whether the call forward should be permitted and e) inhibiting or permitting the call-forward based upon the determination in said step d)." This conclusory statement is simply insufficient to establish a case of *prima facie* obviousness. The office action must cite a references or references that teach

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or suggest each and every claim limitation. Such is not present here. Hence, for at least this reason, claim 1 is believed to be allowable.

Assuming, for the case of argument, that the office action intends to assert that Zhang *suggests* the missing elements merely by mentioning that Zhang teaches call forwarding, the Applicants offer the following. Known call forwarding systems do not necessarily, "determine[e] whether the call forward should be permitted;" known systems typically forward calls without a determination. Hence, Zhang cannot be credited with suggesting the missing claim limitations merely by mentioning conventional call forwarding.

Moreover, the office action does not even assert a motivation for modifying Zhang to achieve the applicants' claimed invention, let alone cite a reference in the prior art that teaches it. The Applicants note that,

[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

(MPEP § 2143.01) Hence, claim 1 is believed to be allowable for at least this additional reason. Claims 2-10 depend from claim 1 and are believed to be allowable, at least for the reasons stated above.

Similarly, claim 11 recites an SSP, "receiving said forwarding instruction and forwarding the call based upon the forwarding instruction." This limitation is not taught or suggested by Zhang and claim 11 is believed to be allowable, at least for this reason.

CONCLUSION

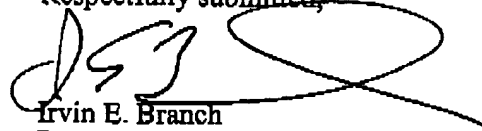
In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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